THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25003 OF 1999

DATED: 23-04-2007

BETWEEN

V. Radhakrishnan,
S/o. V.K. Muniswamy Naicker,
R/o. D.No.15-294, Kalahasthi
Road, Renigunta Post,
Chittoor District and two others.

...PETITIONERS

AND

The Superintendent of Police,
Chittoor District, Chittoor
and two others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the respondents in continuing the rowdy sheet opened against them in 1990 as illegal and arbitrary.

2. Petitioners submit that all the cases pending against them ended in acquittal and therefore, there is no justification on the part of the respondents in continuing the rowdy sheet.

3. Counter has been field stating that seven cases have been registered insofar as the first petitioner is concerned, ten cases have been registered against the second petitioner and eight cases have been registered against the third petitioner. Insofar as the cases registered against the petitioners in Cr.Nos.87 to 89 of 1990 under Section 110(e) of the Code of Criminal

Procedure, 1973, they were bound over in M.C.No.39 of 1999 dated 20.07.1999 for a period of six months. In view of the number of cases registered against them and their nefarious activities causing breach of peace and tranquility rowdy sheets were opened against them on 28.08.1990 under Police Station Order 742 on the orders of the Sub-Divisional Police Officer, Srikalahasthi and the same were being reviewed and renewed from time to time. Since the petitioners are habitual offenders bent upon causing breach of peace and disturbing the public order in the area the rowdy sheets are being continued. Admittedly all the cases ended in acquittal except the aforesaid cases, which are bound over cases.

It is further stated that insofar as the second petitioner is concerned a case in Cr.No.16 of 2000 under Sections 324, 323, 354 and 506 (1) read with Section 34 of the Indian Penal Code, 1860, has been registered and the second petitioner and another was arrested on 25.01.2000 and the third petitioner is still absconding and his whereabouts are not known.

4. Under Police Standing Order 602 a rowdy sheet can be opened in respect of persons who are bound over under Section 106, 107, 108 and 110 of the Code. The retention period of the rowdy sheet can be continued under Order 602. Merely because a suspect/rowdy, having a history sheet, is not figuring as accused in the previous 5 years after the last case in which he was involved, it should not preclude the SP/DCP/CP to continue his history sheet if SP/DCP/CP is of the considered view that his activities are prejudicial to the maintenance of public order or one affecting peace and tranquillity in the area or the victims are not coming forward to give complaint against him on account of threat from him.

5. Having regard to the facts and circumstances of the case,

the respondents 1 and 2 are directed to review the case of the petitioners with regard to the rowdy sheet opened and continued against them and pass appropriate orders in accordance with law within four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

April 23, 2007
DSK